

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

FILED BY CLERK

MAY 31 2007

COURT OF APPEALS  
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

CARLOS LIONEL LUGO,

Appellant.

)  
)  
) 2 CA-CR 2006-0412  
) DEPARTMENT A  
)

MEMORANDUM DECISION

) Not for Publication  
) Rule 111, Rules of  
) the Supreme Court  
)  
)  
)

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20054477

Honorable Gus Aragon, Judge

AFFIRMED

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R. Lamar Couser

Tucson  
Attorney for Appellant

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V Á S Q U E Z, Judge.

¶1 After a jury trial, appellant Carlos Lionel Lugo was convicted of aggravated assault, armed robbery, burglary, theft of a means of transportation, fleeing from a law enforcement vehicle, and criminal damage. The trial court sentenced Lugo to concurrent, presumptive prison terms, the longest of which was 10.5 years for armed robbery. Counsel has filed a brief on appeal in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), raising no arguable issues. Lugo has not filed a supplemental brief.

¶2 We have reviewed the entire record for fundamental error as requested but have found none. The trial court entered pretrial rulings on the admission or preclusion of evidence; none of those rulings was erroneous, much less fundamentally so. And, viewed in the light most favorable to sustaining the verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence showed that Lugo threatened the victim at gunpoint while she vacuumed her car at a self-service car wash, then took her car, and soon after led law enforcement officers on a high-speed chase, during which the car was damaged. He ultimately fled on foot, before he was apprehended and then identified by the victim. The evidence, therefore, was such that reasonable jurors could find the state had sustained its burden of establishing beyond a reasonable doubt the elements of the offenses upon which the jury rendered verdicts of guilty. And the sentences are neither illegal nor illegally imposed. *See State v. Thues*, 203 Ariz. 339, ¶ 4, 54 P.3d 368, 369 (App. 2002) (illegal sentence is fundamental error).<sup>1</sup> Therefore, we affirm the convictions and the sentences.

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GARYE L. VÁSQUEZ, Judge

CONCURRING:

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JOHN PELANDER, Chief Judge

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<sup>1</sup>We note there are two errors in the sentences. The presumptive prison term for a class three, dangerous nature offense is 7.5 years, not the seven years Lugo received on count one, and the presumptive term for a class four, nondangerous offense is 2.5 years, not the 1.5-year term he received on counts four and six. But, because the state did not cross-appeal and challenge the terms, we do not correct the error that inures to Lugo's benefit. *See State v. Dawson*, 164 Ariz. 278, 286, 792 P.2d 741, 749 (1990).

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JOSEPH W. HOWARD, Presiding Judge